



Astrea Academy Trust
INSPIRING BEYOND MEASURE

Complaints Policy 2022-25

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Open Letter to Parents/Carers

Dear Parent/Carer

We are sorry that you are not satisfied with an aspect of your child's Academy. We have a process for handling complaints: this process sets out how we can work together to resolve the complaint, with the aim of always doing so informally and amicably. Our primary goal is always the wellbeing of your child and we commit to working with you to ensure that your child's schooling is as happy and successful as possible.

In order to ensure the best outcome for your child, please read this document carefully.

Please contact your child's form tutor or Head of Year in the first instance. Those who know your child most closely are best placed to resolve a problem. Only if this cannot be achieved through the Academy does the wider Trust become involved. So that the academy can address your concern quickly and to your satisfaction, please ensure that it is:

- **Timely** – you should raise your concerns as soon as possible after the problem arises. Unless there are special reasons why it is not possible to do this, your complaint should be raised within 10 school days.
- **Specific** – you should be clear about what the problem is, who is involved and when and where any incident occurred. Where appropriate, you should be able to provide evidence for your claims.
- **Resolvable** – you should let the Academy know what outcome(s) you are seeking. This might be an explanation, an acknowledgement that things could have been done better, an apology, or a change in decision.
- **Polite** – the best result for your child will be achieved by the Academy and parents/carers working together. We will not tolerate any language or behaviour towards staff which is abusive or intimidating.

If you are claiming that a member of staff has harmed your child, this is an allegation. Please see page 6.

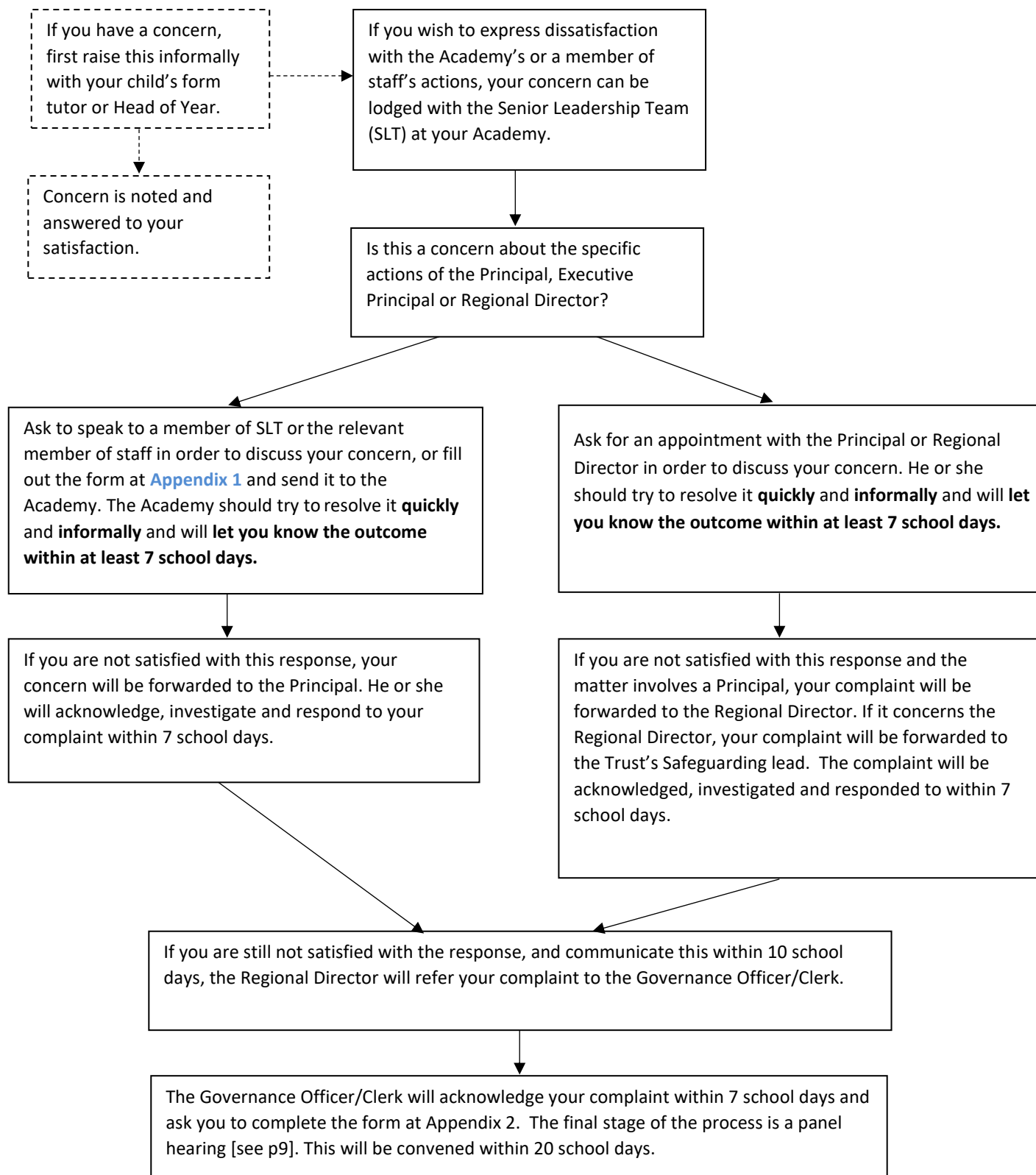
Again, as a general rule, your first port of call should always be your child's form tutor or Head of Year, then a member of the Senior Leadership Team at child's Academy. They know the most about your child and your Academy and are best placed to answer your questions. The wider Trust should only become involved if you have thoroughly discussed your concern/complaint with staff at your Academy and are not satisfied with the response.

We hope that your concern/complaint will be resolved quickly and to your satisfaction.

Yours sincerely

Astrea Academy Trust

Complaints Process Summary



NB – At all stages, we will seek an informal resolution to your complaint. In complex cases, it might take longer to investigate a problem so the timings above might be extended and you will be told of this. In some circumstances, the person responsible for an investigation will assign the investigation process to someone else.

Indicative Timetables

Academy's will try to resolve any concern as quickly as possible, but all parties must recognise that teachers and support staff have many important demands on their time. In complex cases, it might take longer to investigate than is provided for below – the investigator will communicate this to the parent or carer as soon as possible. A complaint will not be upheld solely because a deadline has been missed.

Where a concern/complaint involves external agencies, the timelines will necessarily take this involvement into account. In certain circumstances, for example, where the Local Authority or another public body is investigating the matters in a complaint, the academy's own process will be suspended until those investigations are concluded.

Complaints <u>not</u> about the Principal or Regional Director		
Stage	Responsible Party	Deadline
Parent/Carer raises a concern using the Concern Form at Appendix 1	Academy	10 school days from incident
Concern acknowledged	Academy	2 school days from date of concern
Investigation and response	Academy	7 school days from date of concern
Unresolved concern forwarded to Regional Director		
Unresolved concern forwarded to Regional Director	Regional Director	5 school days from receiving the Academy's response
Concern acknowledged	Regional Director	2 school days from date of receipt
Investigation and response	Regional Director	7 school days from date of receipt
Unresolved concern referred to Governance Officer /Clerk		
Unresolved concern referred to Governance Officer /Clerk	Regional Director	10 school days from date of parent/carers response
Request for final panel stage using form at Appendix 2	Complainant	10 school days from date of referral
Panel to convene	Governance Officer/Clerk	20 school days from date of request for panel
Final response	Governance Officer/Clerk	5 school days from date of panel meeting

Complaints about the Principal		
Stage	Responsible Party	Deadline
Parent/Carer raises a concern using the Concern Form at Appendix 1	Principal	10 school days from incident
Concern acknowledged	Principal	2 school days from date of concern
Investigation and response	Principal	7 school days from date of concern
Unresolved concern re: Principal forwarded to Regional Director		
Unresolved concern re: Principal forwarded to Regional Director	Regional Director	5 school days from receiving the Academy's response
Concern acknowledged	Regional Director	2 school days from date of receipt
Investigation and response	Regional Director	7 school days from date of receipt
Unresolved concern referred to Governance Officer/Clerk		
Unresolved concern referred to Governance Officer/Clerk	Governance Officer/ Clerk	10 school days from date of parent / carer response
Request for final panel stage using form at Appendix 2	Complainant	10 school days from date of referral
Panel to convene	Governance Officer/Clerk	20 school days from date of referral
Final response	Governance Officer/Clerk	5 school days from date of panel meeting
<i>Where a complaint relates to a Regional Director acting as Principal or Executive Principal of the Academy, the above timeline will be followed with the responsibilities of the Regional Director assumed by a suitably senior employee of the Trust.</i>		

Exceptions to Complaints Procedure

This Complaints Procedure covers most concerns/complaints about the provision of facilities or services at the Academy. However, the exceptions listed below are not covered because separate procedures exist. Where an Academy's actions are because of advice given by the Local Authority or another public body, complainants will be asked to refer their concern directly to that authority.

Exceptions	Where to look
<ul style="list-style-type: none"> Allegations of child abuse /other child protection issues Other safeguarding issues 	Immediately report your concern to the class teacher, Designated Safeguarding Lead or Principal and check the Academy's Safeguarding policy.
<p>You can also report concerns about how child protection issues are being handled in your own or another organisation to the NSPCC's whistleblowing advice line on 0800 028 0285 or at help@nspcc.org.uk.</p>	
<ul style="list-style-type: none"> Statutory Assessment of SEN 	Check the Academy's SEND offer and report your concern to the SENCO or Principal.
<ul style="list-style-type: none"> School Admissions including appeals 	Check the Academy's Admissions policy for contact details and further advice.
<ul style="list-style-type: none"> Student Exclusions 	Check the Academy's Behaviour Policy. Contact your Academy for further advice.
<ul style="list-style-type: none"> Qualifications awarded on the basis of centre-assessed grades or equivalent 	Each Awarding Body will establish its own process for the management of appeals and complaints and the examinations officer of your Academy will be able to advise you in this.
<ul style="list-style-type: none"> Whistleblowing (<i>for financial or other regulatory malpractice</i>) 	Check the Astrea Whistleblowing Policy for contact details and further advice.
<ul style="list-style-type: none"> Staff grievances /disciplinary procedures 	These matters will invoke the Academy internal grievance procedures.

If your concern relates to an external service provider, this should be raised with the Principal of the Academy in the first instance, but it might be that you or the Academy will have to follow the provider's own complaints policy thereafter.

If the issue concerns a serious safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, the Principal should be informed immediately.

Principles

This procedure exists to provide parents/carers with a formal structure to express a concern about Academy issues. The Academy seeks to ensure all concerns and complaints are dealt with efficiently, sensitively and where possible in confidence, at the appropriate level. All complaints are handled in a balanced, neutral way, and assuming nothing until all of the facts are established.

Who can raise a Concern/Complaint?

This policy is intended to cover parents/carers of students currently registered at Astrea Academy Trust academies to which the concern/complaint pertains.

Where a child wishes to raise a concern/complaint, he or she should do this through parents/carers. In exceptional cases where this is not possible, a trusted adult at the Academy can be asked to support a child in this.

Astrea Academy Trust academies will take seriously concerns/complaints from any party, but must prioritise its provision for existing students. There will be no automatic right to proceed to the final panel stage for anybody other than existing parents/carers.

The difference between a Concern and a Complaint

All complaints initially start as a concern, which can be defined as *'an expression of worry or doubt over an issue, considered to be important, for which reassurances are sought'*. For example, a parent/carer might wish to be assured that his or her child is receiving the appropriate difficulty of homework or might ask a member of staff to clarify a comment that the child has made about something at the Academy.

Concerns can materialise into a formal complaint only after informal processes with the academy have been exhausted and if the response from the Academy is perceived as unsatisfactory. A complaint is defined as *'an expression of dissatisfaction however made, about actions (or lack of actions) taken'*.

It is in everyone's interests that all concerns/complaints are resolved at the earliest possible stage, without the need to invoke formal complaint procedures. This will take the format of an informal resolution.

Dealing with Concerns/Complaints

The procedure aims to ensure all concerns/complaints are dealt with in a time-sensitive manner and, where possible, as informally as possible.

- The objective is for all complainants to receive a timely acknowledgment to their initial concern or complaint - within two school days - and to provide a response within seven school days.
- To clarify what the parent/carer feels would put things right.
- To gather appropriate information in relation to the concern/complaint, by thorough investigation in the form of taking statements and speaking to witnesses.
- To keep accurate records of all relevant conversations and meetings held in relation to the concern/complaint.
- To reach a satisfactory conclusion, which should be communicated through a written response and/or meeting with the complainant.
- To report on concerns/complaints to line managers or the Principal as appropriate and to ensure that formal complaints are reported to local committees.
- At each stage of the concern/complaint, the person investigating will seek ways to resolve the complaint satisfactorily. It might be appropriate for the Academy to offer one or more of the following:
 - An explanation
 - An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence).
 - An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
 - An apology
 - An undertaking to review procedures in light of the concern/complaint.

Procedure for Informal Concerns

Most concerns can be resolved at an initial informal stage. In the first instance, it is essential each concern is directed at a level appropriate with the nature of the concern and parents/carers are asked to speak to a relevant member of staff.

At this stage, the Principal or staff member must seek clarification on the concern, identifying the outcome the parent/carer is requesting. Even though this is likely to be a spoken exchange, it is important that all parties are in agreement on outcomes and agreed actions.

If the concern remains unresolved, the Principal may refer the matter to the Regional Director for review and response. This response can be provided orally or in writing.

If an initial concern is reported to directly to the Trust's central team, the complainant will be asked to complete the Concern Form at **Appendix 1** for submission directly to the Academy. This document is intended to facilitate communication with the Academy and should include:

1. Details of the concern
2. Any attempts made to raise/resolve the complaint (including who they have communicated with)
3. Any actions they feel would resolve the issue

The Concern Form should be sent directly to the Academy for response and will initiate the informal concern process. A matter will only become a formal complaint requiring review by a panel after all attempts to resolve the concern informally through the Academy and Regional Director remain unsuccessful.

Procedure for Formal Complaints

If all attempts to resolve the concern remain unsuccessful, the Regional Director will refer the complainant to the local Clerk, who will ask the complainant to initiate the formal complaints process using the form at **Appendix 2**. This written document should include:

1. Details of the complaint (the Concern Form may be attached)
2. Why the Academy's/Regional Director's response was inadequate
3. What actions a panel may take to resolve the issue

Upon receipt of the form, the local Clerk will convene a panel to review the complaint.

Final Panel Stage

The very last stage of the Astrea Academy Trust complaint process is a referral to a panel. The parent/carer must request this within 10 school days of receiving the Regional Director's response. Upon referral, the Clerk will convene a panel at the earliest appropriate opportunity, but within at least 20 school days.

A panel considers complaints on behalf of Astrea Academy Trust Board.

Constitution of the panel

The Clerk will convene a complaints panel which will comprise the following:

- The panel will consist of no fewer than three members, drawn from the Trust's Statutory Review Committee (all local committee members and central team employees). Staff members from the Academy to which the complaint pertains will not sit on the panel.
- At least one panel member must be independent of the management and running of that particular academy and cannot be a member of the academy's local committee.
- No member of the panel can have been directly involved in previous considerations of the complaint. This includes the Chair of the local committee if they have been involved at any stage.

Proceedings of the panel

Astrea Head of Governance and Legal, having sought the views of the complainant and the Principal/Regional Director, will decide which of these following procedures is most beneficial to the nature of the complaint.

1) A formal meeting

All parties will attend the meeting in the same room. The meeting includes the parent/carer, the Principal/Regional Director and any other staff/witnesses who will be invited to make representations concerning the complaint. The appeal will be closed to the public.

Parties may be questioned by the panel members so that they can form a clear and unbiased view of the complaint. Whilst it will be for the chair of the panel to decide exactly how the meeting will proceed, the procedure at the meeting will allow:

- a. the complainant to explain their complaint
- b. the Principal/Regional Director to explain the Academy's response
- c. the panel to have an opportunity to question both the complainant and the other party
- d. all involved to call witnesses (subject to the approval of the chair of the panel), and the panel to question all the witnesses
- e. the complainant, the Principal/Regional Director and staff/witnesses to be accompanied at the meeting if they so wish (other than by a legal representative).

At the end of the meeting, the chair of the panel will explain to the complainant and the Principal/other party that the panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties as quickly as possible and in an expeditious manner.

The meeting will be minuted and the complainant will be informed of the panel decision within 5 school days.

2) An investigatory approach

The complainant and representative(s) from the academy may be invited to attend a formal meeting with the complaints panel in order to clarify the matter. As the panel meeting is intended to be investigatory, the persons giving evidence or making representations to the panel would normally attend separately. Whilst it will be for the chair of the panel to decide exactly how the meeting will proceed, the procedure will allow:

- a. the complainant, the Principal/Regional Director and staff/witnesses to be accompanied if they so wish (other than by a legal representative)
- b. notes of the interview to be made, checked with the interviewee and made available to other parties on request.

The chair of the panel will explain to the complainant and the Principal/Regional Director that the panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties as quickly as possible and in an expeditious manner.

Whichever procedure is followed, the panel will remember that some parent/carers are unfamiliar to dealing with groups of people in formal situations and may feel inhibited. Parents/Carers may also feel emotional about discussing an issue that affects their child. The Chair of the panel will ensure that the proceedings are as informal as the situation allows.

The Governance Officer/Clerk will be the contact point for the formal complaint and will be required to:

- Set the date, time and venue of the hearing
- Collate any written material and send it to the parties in advance of the hearing
- Record the proceedings
- Notify parties of the panel's decision.

Remit of the panel

The panel can:

- Decide whether or not the complaint has merit
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

Dealing with vexatious, persistent or unreasonable concerns or complaints

The Academy is committed to dealing with all concerns/complaints fairly and impartially, with each parent/carer being dealt with fairly and individually. Whilst contact between the Academy and the parent/carer will not be limited, we do not expect our teaching and operational staff to tolerate unacceptable behaviour deemed abusive, threatening or offensive.

In the case of vexatious, persistent or unreasonable concerns/complaints, if the complainant remains dissatisfied after all stages have been properly followed, the Governance Officer/Clerk will inform the parent/carer in writing that the procedure has been exhausted and the matter is now closed.

Should an individual's approach to their concern/complaint become disturbing, intimidating or harassing, legal advice may be sought. Astrea Academy Trust has a duty of care to its employees, as Principals do to their staff, and this will be upheld. Please refer to the guidance appended to this policy.

Reporting and Recording Complaints

The Complaints Form at **Appendix 2** should be used for all formal complaints and once received, the Academy will record all issues, with the Principal holding responsibility for ensuring staff consistently and accurately record all formal complaints. Records of formal complaints will include whether they are resolved following a formal procedure, or proceed to a panel hearing; and any action taken by the Academy as a result of those complaints regardless of whether they are upheld.

Note

- i. Records relating to individual complaints are confidential, except in limited circumstances to comply with specific acts or statutory law. This includes an adherence to the Data Protection Act 2018 or Freedom of Information Act 2000, or where the Secretary of State or a statutory body conducting an inspection under s109 of the 2008 Act requests access to them.
- ii. The Academy's local committee will monitor the level of formal complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting. Where possible, parents/carers will not be identified.

Legal Context

In accordance with the **Education (Independent Schools Standards (England)) Regulations 2014, Schedule 1, Part 7**, all academies must make available to all parents/carers a robust and effective complaints procedure to deal with all complaints relating to their academy and to any community facilities or services that the Academy provides.

These regulations state that all complaints policies must:

- a. be in writing
- b. be made available to parents/carers of students
- c. set out clear timescales for the management of the complaint
- d. allow for a complaint to be made and considered initially on an informal basis
- e. where the parent/carer is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establish a formal procedure for the complaint to be made in writing
- f. where the parent/carer is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), make provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint
- g. ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the Academy
- h. allows for a parent/carer to attend and be accompanied at a panel hearing if they wish
- i. provide for the panel to make findings and recommendations and stipulate that a copy of those findings and recommendations is:
 - provided to the parent/carer and, where relevant, the person complained about; and
 - available for inspection on the Academy premises by the proprietor and the Principal
- j. provide for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and:
 - whether they are resolved following a formal procedure, or proceed to a panel hearing; and
 - action taken by the Academy as a result of those complaints (regardless of whether they are upheld); and
- k. provide that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Appendix 1

Academy's Concern Form

This form should be sent to the Academy for investigation and response. You should receive a response from the Academy within 7 school days from date of receipt. Many thanks for your patience and we hope that your concern can be resolved informally.

Name	
Date	
Address	
Student Name/Year (if applicable)	
Relationship to student (if applicable)	
Student's address (if different from above)	
Contact number(s) (if you have a preferred time within the school day, please state it)	
Email address	
Details of Concern	
Name(s) of staff member(s) at the Academy to whom you have spoken to about your concern?	
What action have you already taken to try and resolve the concern?	
What actions do you feel might resolve this concern? (e.g. an explanation, an apology, etc.)	

Appendix 2

Formal Complaint

This form may only be used when all informal processes involving the Academy and the Regional Director have been exhausted. Upon submission, the Governance Officer/Clerk will convene a panel to review the complaint within 20 school days of receipt.

Name	
Date	
Address	
Student Name/Year (if applicable)	
Relationship to student (if applicable)	
Student's address (if different from above)	
Contact number(s) (if you have a preferred time within the school day, please state it)	
Email address	
Details of Complaint	
Why was the Academy's / Regional Director's response not satisfactory?	
What action(s) can the Trust/Academy take to resolve this complaint?	

Guidance for managing serial, vexatious and unreasonable complaints

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our Academy. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Academy, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the Academy's complaint procedure has been fully and properly implemented and completed
- seeks an unrealistic outcome
- makes excessive demands on Academy time by frequent, lengthy and complicated contact with staff regarding the complaint
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the Academy that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Academy.